

05-02-01

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"EXPRESS MAIL" No. ET284672600US DATE: May 1, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

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Asst. Commissioner for Patents
 Washington, D.C. 20231

**PLEASE NOTE: THIS IS A CONTINUATION APPLICATION
 UNDER 37 C.F.R. 1.53(b) AND NOT A CONTINUING PATENT
 APPLICATION (CPA) UNDER 37 C.F.R. 1.53(d)**

Re: Continuation of U.S. Serial No. 09/647,188
 Atty. Docket: 1998/F 130 (8577*24)
 Applicants: Shizuo Ogura *et al.*
 Entitled: "Lithium Battery and Electrode"

Sir:

This is a request for filing a continuation application under 37 C.F.R. 1.53(b) of pending application Serial No. 09/647,188 filed September 27, 2000, in the name of Shizuo Ogura, Hidehisa Mokudai, Makoto Murata and Barrie Linton Davies.

The enclosed copy of prior application Serial No. 09/647,188 is a true copy of said prior application as filed.

Priority is claimed from U.S. Patent Application Serial No. 09/647,188 filed September 27, 2000, PCT/EP99/01943 filed March 23, 1999, U.S. Patent Application Serial No. 09/052,366 filed March 31, 1998 and JP Patent Application 134,351 filed April 28, 1998.

Assistant Commissioner for Patents
May 1, 2001
Page 2

Four sheets of Drawings are enclosed.

A disclosure statement and the references are enclosed.

A check in payment of the filing fee, calculated as follows is attached.

Basic fee	\$710.00
Total number of claims in excess of 20, times \$18 x 10 extra	\$180.00
Number of independent claims in excess of 3, times \$78	\$ 0.00
TOTAL FILING FEE	\$890.00

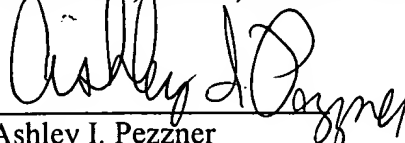
The prior application, Serial No. 09/647,188 was entitled to a filing date within the meaning of 37 C.F.R. 1.78(a)(1)(iii) and 1.53(b). However, no Oath by the inventors was filed in that application. Therefore, a Notice of Missing Parts should issue in this continuation application.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 which may be required by this paper of credit any overpayment to Deposit Account No. 03-2775. This letter is being submitted in duplicate.

Kindly send us the official filing receipt.

Respectfully submitted,

CONNOLLY, BOVE, LODGE & HUTZ, LLP

By 
Ashley I. Pezzner
Reg. No. 35,646
Tel. (302) 658-9141

AIP/cam

::ODMA\MHODMA\CB;141962;1

- Encl. 1) Specification & Claims
2) Extension Request
3) \$890.00 (Filing Fee) and check for \$1,890.00
(5 month extension)
4) Notice of Missing Parts and check for \$130.00

::ODMA\MHODMA\CB;141962;1

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. **1998/F-130**
First Inventor or Application Identifier **SHIZUO OGURA ET AL**
Title **LITHIUM BATTERY AND ELECTRODE**
Express Mail Label No. **EK219527430**

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages **26**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **04**]
4. Oath or Declaration [Total Pages **0**]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

*NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED BY 37 C.F.R. § 1.27. EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON BY 37 C.F.R. § 1.28.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement of Power of Attorney (when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
11. ☐ Preliminary Amendment 19.X PCT/IPEA/409
12. ☒ Return Receipt Postcard (MPEP 503) (4) sheets
* Small Entity ☒ Search Rpt. 20.X
Statement(s) ☐ Status still proper and desired (PTO/SB/09-12)
13. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
14. ☐ Other: Amended Sheets pp23-26
15. ☒ PCT/RO/101 (4) sheets
16. ☒ Form PCT/IB/306 (2) sheets
17. ☒ Form PCT/IB/308 (1) sheet

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____

Prior application Information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name **Ashley I. Pezzner, Esquire**
CONNOLLY BOVE LODGE & HUTZ LLP
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Country **US** Telephone **(302)888-6270** Fax **(302)656-9072**

Name (Print/Type) **ASHLEY I. PEZZNER** Registration No. (Attorney/Agent) **35,646**
Signature *Ashley I. Pezzner* Date **09/27/2000**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INTERNATIONAL APPL. NO.: PCT/EP99/01943 :

INTERNATIONAL FILING DATE: -03/23/1999- :

APPLICANT: SHIZUO OGURA ET AL :

SERIAL NO: : **ART UNIT:**

FILED: -HEREWITH- : **EXAMINER:**

FOR: "LITHIUM BATTERY AND ELECTRODE" :

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

EK219527430US

"Express Mail" No.: EK219527430

Date: -SEPTEMBER 27, 2000-

I hereby certify that this paper, along with any other paper or fee referred to in this paper as being transmitted herewith, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, postage prepaid, on the date indicated above, addressed to the Asst. Comm. for Patents, Washington, D.C. 20231

-Diana E. Sparklin-
(Typed or printed name of mailing paper or fee)

Diana E. Sparklin
(Signature of person mailing paper)

TRANSMITTAL OF APPLICATION PAPERS
TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371
(37 CFR 1.494 OR 1.495)

This Transmittal Letter is based upon PTO Form 1390 (as revised in May, 1993).

The above-identified applicant(s) (jointly with their assignee) have filed an International Application under the P.C.T. and hereby submit(s) to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay.
4. ☒ A proper Demand for International Preliminary Examination (IPE) was made to the appropriate Authority (IPEA) within the time period required.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)[2]) --
- a. ☒ is transmitted herewith (required when not transmitted by International Bureau) in English.
 - b. ☐ has been transmitted by the International Bureau. See WIPO Publication WO 99/50921.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A - copy - of the International Application in the English language is enclosed -with- Four (4) Sheets of Drawings.
7. ☐ Amendments to the (specification and) claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)[3])
- a. ☐ are transmitted herewith (required if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 - e. ☐ will be submitted with the appropriate surcharge.
8. ☐ A translation of the amendments to the claims (and/or the specification) under PCT Article 19 (35 U.S.C. §371(c)[3]) is enclosed or will be submitted with the appropriate surcharge.

9. ☒ An oath or declaration/power of attorney of the inventor(s) (35 U.S.C. §371[c][4]) will follow.
☐ and is attached to the translation of (or a copy of) the International Application.
☐ and is attached to the substitute specification.

10. ☒ A translation of at least the Annexes to the IPE Report under PCT Article 36 (35 U.S.C. §371[c][5]) is enclosed.

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 is enclosed.
12. ☒ An Assignment for recording and a separate cover sheet in compliance with 37 CFR 3.28 and 3.31 will follow.
13. ☐ A FIRST preliminary amendment is enclosed.
A SECOND or SUBSEQUENT preliminary amendment is enclosed.
14. ☐ A substitute specification (including claims, abstract, drawing) is enclosed.
15. ☐ A change of power of attorney and/or address letter is enclosed.
16. ☒ Other items of information:

☒ This application is being filed pursuant to 37 CFR 1.494(c) or 1.495(c), and any missing parts will be filed before expiration of--

☐ 22 months from the priority date under 37 CFR 1.494(c), or

☒ 32 months from the priority date under 37 CFR 1.495(c).

☒ The undersigned attorney is authorized by the International applicant and by the inventors to enter the National Phase pursuant to 37 CFR 1.494(c) or 1.495(c).

The following additional information relates to the International Application:

- ☒ Receiving Office: EPO
- ☒ IPEA (if filing under 37 CFR 1.495): EPO
- ☒ Priority Claim(s) (35 USC 88, 119, 365):
US Application S/N 09/052,368 filed March 31, 1998.
JP Application JP 134,351 filed April 28, 1998.
- ☒ A copy of the International Search Report is

☐ enclosed.

☒ attached to the copy of the International
Application.

- ☒ A copy of the Receiving Office Request Form is enclosed.
- ☒ Form PCT/IB/306 (2) pages
- ☒ Form PCT/IB/308 (1) page
- ☒ Form PTO/SB/05 (1) page
- ☒ Amended Sheets pp. 23-26 (Claims)

The fee calculation is set forth on the next page of this Transmittal Letter.

FEE CALCULATION SHEET

☒ A check in payment of the filing fee, calculated as follows, is attached (37 CFR 1.492).

Basic Fee..... \$ 840.00

Total Number of claims in
excess of (20) times \$18.....X 10 =..... 180.00

Number of independent claims
in excess of (3) times \$78..... -0-

Fee for multiple dependent
claims \$260..... -0-

TOTAL FILING FEE... \$1,020.00

Kindly send us the official filing receipt.

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Deposit Account No. 03-2775. This is a "general authorization" under 37 CFR 1.25(b), except that no automatic debit of the issue upon allowance is authorized. An additional copy of this page is attached.

Respectfully submitted,

By Ashley I. Pezzner

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Enclosures

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